

REMARKS

Applicants have amended claims 1- 9 and 18, and added new claims 27-29. No new matter has been added by way of these amendments. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-8 under 35 U.S.C. §101 asserting s in claim 1 the claimed “system” appears to be a “computer program per se,” without hardware. Accordingly, Applicants have amended claim 1 as set forth above to clearly recite a device in the preamble and hardware elements in the body of the claim including a processor and a memory as set forth above. Accordingly, the claim is now clearly an apparatus claim which constitutes patentable subject matter. In view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection.

The Office has rejected Claims 1, 2, 4-7, 9-11, 13-16, 18-20, and 22-25 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,438,657 to Nakatani (Nakatani), in view of U.S. Patent No. 7,197,702 to Niyogi et al. (Niyogi), claims 3, 12, and 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakatani, in view of Niyogi, and further in view of U.S. Patent No. 6,778,703 to Zlotnick (Zlotnick), and claims 8, 17, and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakatani, in view of Niyogi, and further in view of U.S. Patent No. 6,519,617 to Wanderski et al. (Wanderski).

Nakatani, Niyogi, Zlotnick, and Wanderski, alone or in combination, do not disclose or suggest, “at least one memory coupled to the processor configured to execute programmed instructions stored in the memory comprising . . . a mutation system configured to apply one or more mutators, to the portion of the original document which were applied to mutate the portion of the identified stored document, to form a mutated portion in the original document” as recited in claim 1, or “applying one or more mutators to the portion of the original document which were applied to mutate the portion of the identified stored document, to form a mutated portion in the original document,” as recited in claims 9 and 18.

The Office’s attention is respectfully directed to col. 18, lines 15-55, in Nakatani, which states:

If YES in step S65, a corresponding portion of the interim form document is output, as a **portion of a final document** (output form document 1) obtained upon document format conversion, to the document storage area 28 in step S66.

As described above, in the document layout conversion processing, the interim form document **created** in the work area 31 by the document arrangement conversion processing is output to the document storage area 28 in accordance with the learned document layout information table (table 3) in the document layout information learning area 29.

The interim form document 1 will be described in more detail below. The start block 3-1 is extracted from the document layout information table (table 3), and the document structure analysis block 5-1, in the document structure analysis table (table 5), which has the same constituent element classification information "date" is searched out. A corresponding portion of the interim form document 1 in the work area 31 is output to the document storage area 28. Since "headline" of the document layout information block 3-2 is placed before "sender" in the document layout information table (table 3), a document portion, of the interim form document 1, corresponding to "headline" is output to the document storage area 28. With this operation, the layout positions of "headline" and "sender" of the input form document 2 are switched with respect to each other from those of the output form document 1. In this manner, the entire portion of the interim form document 1 is layout-converted into the output form document 1. Finally, the interim form document 1 having the contents of the input form document 2 is rearranged in accordance with the layout information of the input form document 1. (Emphasis added).

Accordingly, as illustrated above Nakatani is disclosing that the entire portion of the **interim form document 1** is layout-converted into the **output form document 1**. Additionally, Nakatani is disclosing that when another document is to be created, a document having the same layout as that of the original document **can be easily created** by referring to the displayed or printed arrangement information (See, col. 19, lines 3-8, in Nakatani). As a result, Nakatani is concerned with creating documents having same layout as an original document, but does not disclose or suggest applying mutators that were applied to an identified document to form a mutated portion in an original document, as claimed. Like Nakatani, Niyogi, Zlotnick and Wanderski also fail to disclose or suggest the above-noted limitations.

In sharp contrast, Applicants' claimed invention discloses applying one or more mutators to the portion of the **original** document which were applied to mutate the portion of the identified stored document, to form a mutated portion in the **original** document. Applying mutators to a portion of the original document, which mutators were

also applied to an identified stored document, is advantageous, for example, in applying to the original document, case-based mutations combined with genetic algorithms for dynamic document layout thereby resulting in a more efficient and reliable automated scheme for dynamic document layout (*see for example*, ¶ [0006] of the original filed specification).

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1, 9, and 18. Since claims 2-8 depend from and contain the limitations of claim 1, claims 10-17 depend from and contain the limitations of claim 9, and claims 19-26 depend from and contain the limitations of claim 8, they are distinguishable over the cited references and are patentable in the same manner as claims 1, 9, and 18.

Additionally, new dependent claims 27-29 are believed to be distinguishable over the prior art of record and in condition for allowance. Accordingly, a notice to this effect is respectfully requested.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: March 15, 2010

/Gunnar G. Leinberg/

Gunnar G. Leinberg

Registration No. 35,584

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604
Telephone: (585) 263-1014
Facsimile: (585) 263-1600